(2) (5) SINGLE BENCH

CF-1002

BEFORE HON'BLE HIGH COURT OF CHHATTISGARH

AT

BILASPUR

WRIT PETITION NO. 7254 2006

Single Bench Other Matter

PETITIONER: - MOHAMMAD YAKUB CHAUHAN

Aged about 46 years S/O Late Mohammad Ibrahim Chauhan, Office Address New India Plastic Center, Hatri Bazar Durg, C.G, R/O Near Sahu Sadan, Kelabadi Durg, Tah. & Distt. (C.G)

2367/06
No.....
Presented by Sh. J.G. Tamaskar
dated 14/12/06

VERSUS

RESPONDENTS: - 1. CHHATTISGARH STATE WAKF BOARD
THROUGH: - CHIEF EXECUTIVE OFFICER
Chhattisgarh Wakf Board, C-12, Sector – 3, Devendra Nagar, Raipur, Tah. & Distt Raipur (C.G)

2. THE COLLECTOR DURG, C.G.

3. THE SUB DIVISIONAL OFFICER (REVENUE) AND ADDITIONAL ASSISTANT COMMISSIONER WAKF DISTT. DURG C.G.

4. SHRI. ALI MOHAMMAD KHAN
JOINT-COLLECTOR, DURG, C.G.
Collectorate Building Durg, Tah. & Distt. Durg, C.G.

RECEIVED-COPY
14/12/06
CLERK to A. G. BILASPUR

PETITION UNDER ARTICLE 226 / 227 OF THE CONSTITUTION OF INDIA

XI-HC-78

(41)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 3254 **सन्** 2006

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

12.1.2007

Shri V.G. Tamaskar, learned counsel for the petitioner.

Shri Sanjay S. Agrawal, learned G.A. for the State/respondent.

By this petition the petitioner claiming himself to be the elected Mutwalli of the Intezamiya Committee, Jama Masjid, Durg (C.G.) has prayed for issuance of direction to the respondents to hand over the charge of Intezamiya Committee, Jama Masjid, Durg (C.G.) to the petitioner.

The petitioner claims that initially the date of election for the post of Mutwalli was fixed by the member of the State Waqf Board on 17.3.2006. However, the said member or any representative from the Waqf Board did not turn up on 17.3.2006, therefore, election could not be conducted. Subsequently on 21.4.2006 the muslim community on their own conducted an election of Mutwalli and elected the petitioner for the above post unanimously. Several representations were sent to the respondents requesting for handing over the charge of the committee but the same were

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 7254 **सन् 2006**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

not considered. The Sub Divisional Officer (Revenue) vide memo of Annexure P/6 and the Additional Assistant Commissioner, Waqf Board addressed a communication to the Chief Executive Officer of respondent No. 1, forwarded the letter of the petitioner with a request to take action as per rules on the points raised in the application of the petitioner.

Learned counsel for the petitioner submits that the petitioner is a validly elected Mutwalli of the committee, however, the respondents are not handing over charge of the committee to him, therefore, he was compelled to file the instant petition.

Learned counsel for the petitioner places his reliance on the judgment of the M.P. High Court in the matter of **Gulam Abdul Kadir and others Vs. Collector, Durg and others** and submits that in the aforesaid circumstances, a direction may be given to the respondents for handing over the charge of the committee to the petitioner.

P.T.O.

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 7254 **सन् 200** 6

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	I have heard learned counsel for the petitioner. From the documents adduced by the petitioner along with his petition, it is observed that the Chief Executive Officer of the Waqf Board vide order of Annexure P/1 had appointed Ali Mohd. Khan, Joint Collector, Durg as acting Mutwalli who is currently holding the charge of Mutwalli of the Intezamiya Committee, Jama Masjid, Durg (C.G.). The petitioner has not annexed any document to demonstrate that he was elected Mutwalli of the Committee in a duly held meeting of the Intezamiya Committee. So far as the judgment relied upon by the petitioner is concerned, in that case it appears that the election of the Committee was held in the year 1983 and there was no dispute about the same and in the aforesaid circumstances, the Court considering that the appointment of Committee was stop-gap arrangement, directed the respondents on the petition of the elected Mutwalli. However, in the present case no such	

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 2254 **सन् 200** 6

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	contingency exists, therefore, the instant petition at the instance of the petitioner cannot be entertained. In the result, the appeal being devoid of substance is liable to be dismissed at the admission stage itself and is accordingly dismissed. **Sd/-** **Dhirendra Mishra** **Judge**	

P.T.O.